

**BRAD BAILEY LAW, P.C.**

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**VIA CM/ECF**

February 16, 2018

The Honorable Timothy S. Hillman  
United States District Court  
District of Massachusetts  
Donohue Federal Building  
595 Main Street  
Worcester, Massachusetts 01608

**Re: United States v. Carlos Jimenez  
No. 16-cr-40025-TSH**

Dear Judge Hillman:

Defendant Carlos Jimenez (“Mr Jimenez”) respectfully states as follows in response to the government’s letter dated February 15, 2018 (Document No. 148), and the cases cited and referenced therein.

First, as he has previously argued, even if the collective knowledge doctrine is applied to the facts and circumstances pertaining to the “walled-off car stop” in this case, the defendant submits there was still insufficient probable cause to search the Lexus in question and/or to further detain the occupants therein, once Trooper DiCrescenzo established the driver’s license was valid and that there weren’t any warrants for either the driver or the passenger.

Second, Mr. Jimenez distinguishes the two cases cited by the government from the instant facts herein in that the evidence at the hearing establishes that a.) the directive from the Group Leader of the Task Force involved with the on-going drug investigation was simply to stop the Lexus for the purpose of identifying its occupants; b.) Trooper Vitale, who was directly involved with the on-going drug investigation itself, and tasked with coordinating/requesting a non-involved Trooper’s stop of the Lexus, testified he did not believe he had probable cause to stop the vehicle, himself; and c.) all three percipient government witnesses (Sgt. Det. Macki, Trooper Vitale, and Trooper DiCrescenzo) each acknowledged that Trooper DiCrescenzo would need to develop “his own probable cause” to get inside the Lexus.

Respectfully submitted,  
CARLOS JIMENEZ  
By and through his attorney,

/s/ R. Bradford Bailey  
R. Bradford Bailey, BBO#549749

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Cc: Michelle L. Dineen Jerrett, AUSA  
Syrie D. Fried, Esq.

Certificate of Service

I, R. Bradford Bailey, hereby certify that on this the 16<sup>th</sup> day of February, 2018, I caused a true copy of the foregoing letter to be served upon all necessary parties by virtue of electronically filing the same via the CM/ECF system.

/s/ R. Bradford Bailey  
R. Bradford Bailey